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CRIMINAL ABORTION;

ITS EXTENT AND PREVENTION.

BY
ANDREW NEBINGER, M.D.

EXTRACTED FROM THE TRANSACTIONS OF THE MEDICAL SOCIETY OF THE STATE
OF PENNSYLVANIA FOR 1876.

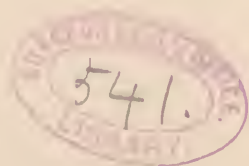


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CRIMINAL ABORTION; ITS EXTENT AND PREVENTION.

TO THE MEDICAL SOCIETY OF PENNSYLVANIA :

The Committee appointed by you to report upon Criminal Abortion; its Extent and Prevention, respectfully submit—

That Criminal Abortion, to be considered and presented in all its vastness of moral infamy—its wilful destruction of ante-natal human life, the amount of maternal lives destroyed, the extent of uterine and other diseases entailed by its practice, and the inefficiency of the laws to limitedly meet, and even partially control, the onward march of this rapidly growing “fashionable crime,” would require not only an essay of ordinary size to be prepared, but would require the compass of a volume. The Committee, therefore, determined to present the subject in such form only, or, rather, such phases of it, as will tend still further to excite and awaken than is already the case, the spirit of inquiry and reform, not only among the members of the medical profession, but especially among the members of the clerical profession and legislators. To especially arouse the attention of these two classes, and to invoke their co-operation in the good work of crushing out the crime—the one, by imparting the proper instruction in relation to the moral turpitude of the crime, the other to the creation of such laws as shall fully meet the necessities which now exist in regard to the punishment of those who engage in its practice. When these two classes shall be fully aroused to the importance of the labor, and zealously co-operate in the work of preventing and punishing the commission of the crime, then the prevention and cure of this terrible moral evil, with all its entailment of physical suffering, will be more than half accomplished.

To say that criminal abortion is now and has been for a long series of years on the increase, and that the percentage of increase is marked by an excess in every succeeding year, or decade, is only

to express that which is familiar to every one who has paid thoughtful attention to the subject. So vast, indeed, is now the practice of the crime, and so universal is it, that it finds its patrons and devotees, not only in large cities, towns, and hamlets, but in rural districts, and glories in embracing alike within its vast, corrupting, and murderous influence, the ignorant and the educated, the vicious and the refined, the professors and non-professors of religion. So broad and vastly extended is the practice of criminal abortion, and so constant and persistent is its influence over nearly all classes of people, that it may be said to be now, and for a great number of years past, prevailing as a great immoral, body and soul-defiling, epidemic.

To demonstrate this fact, it is only necessary to consult the statistics bearing upon this subject, which have been carefully collected in such portions of our country, and abroad, where the laws regulating the registry of births and deaths are such as fully cover the important matters of the natural increase and the mortuary decrease of population.

The statistics, in this respect, of the city of New York, Massachusetts, Connecticut, Rhode Island, and other New England States, present facts and figures which are suggestive of a degree and vastness of a peculiar immorality, which, when fully comprehended, will fix the conviction, that criminal abortion, "the murder of the innocent," is now in our day of such magnitude as to "out-Herod Herod," and to demand the most active labors of all those whose efficiency in the correction and prevention of this crime is mainly to be relied upon, in freeing the land from this worse than an abomination.

Criminal abortion is now and has been steadily, for a long series of years, on the increase in this country. In proof of this declaration is here presented to you a few figures of unquestioned and unquestionable correctness: "In New York, from 1854 to 1857, there were 48,323 births, and 5931 still-births at the full time and prematurely, or one to every 8.1 were born dead" (Storer). These figures indicate a mortality—as every accoucheur knows—too great to be attributed to the ordinary accidental or unavoidable causes which are generally operative in the production of still-births, and, therefore, it is fair to attribute the great excess to avoidable causes; or, in other words, the result of criminal intentions and acts on the part of the mother and her abettors.

At the present time the art of obstetrics is more perfect, and its practitioners more skilful and expert than at any anterior period. This improved condition of the obstetric art, and the advance in

the skill and expertness of obstetricians, is not the growth or out-cropping of any recent period, nor has it been of sudden development, but is the result of a steady and gradual progress made year by year. The number of still-births should have steadily and relatively decreased as advances were made in the art, the intent and best purpose of which is to give the mother a safe delivery of living offspring.

Statistics, however, exhibit the reverse of what we should expect, and what certainly would be the case, if still-births were the result of unavoidable causes only. To present this feature of the subject, in part of its hideousness, your patient attention is invited to some figures compiled from statistics collected by Dr. E. Harris, Registrar of Vital Statistics in New York, viz.:—

From 1804 to 1809, total mortality, 13,428 ; still-births, 349—1 to 37.6	
“ 1809 “ 1815, “ “ 14,011 ; “ 533—1 “ 26.3	
“ 1815 “ 1825, “ “ 34,798 ; “ 1818—1 “ 19.1	
“ 1825 “ 1835, “ “ 59,347 ; “ 3744—1 “ 15.9	
“ 1835 “ 1855, “ “ 289,786 ; “ 21,702—1 “ 13.3	
1856 “ “ 21,658 ; “ 1943—1 “ 11.1	
1868 “ “ 1 “ 10.5	

Thus is the exhibit made, that the percentage of still-births to the total sum of deaths has been rapidly increasing from 1809, when they were in the ratio of one still-born to every 37.6 of the total mortality, until, in 1868, we find the ratio of still-births has increased to one in 10.5, or that in the roll of 59 years they had nearly quadrupled. What is true of New York is true of all the other old cities of the United States, as may be seen by a close inspection and study of statistics and facts which have been published in reference to this phase of the subject.

For this startling increase in the ratio of still-births to the entire sum of deaths, there is but one rational cause to which it can in justice and candor be assigned, and that, no matter how much we may regret the necessity for the admission, is criminal abortion. We must, in contemplating these figures and facts, not fail to recollect that the number of still-births referred to by these statistics embodies only the sum, at most, of those fœtal beings which had passed the so-called, but improperly called, period of “quickening.” The number of those fœtuses which have not reached this condition, for which there is not any numerical qualification, but which may in truth be said to be immense, a knowledge of which never reaches the Registrar, although to a great degree it does the physician, if added to the sum total of still-births, would run the figures up so high that, to name even a proximate number, would not only startle

you, but tend largely to fix in your minds a conviction that the great crime of the women of the present era, yea of the last half century, is eriminal abortion; from which, God deliver them!

In Harper's *Monthly Magazine* of February, 1869, page 386, may be found an article entitled "Changes in Population," abounding with a large amount of facts of much importance to those who feel an interest in our subject. From that article is here presented a few matters of very decided interest.

"In a report upon the comparative view of the population of Boston in 1849 and 1850, made to the city government November, 1851, Dr. Jesse Chickering, after a most careful analysis of the births and deaths, states that 'the most important result derived from this view is the fact that the whole increase of population arising from the excess of births over the deaths for these two years has been among the foreign population.' No higher authority can be cited on this subject than that of Dr. Chickering, who devoted more time and attention to the changes of population in Massachusetts than any other person.

"An examination of the Registration Reports for a series of years as to the relative number of births and deaths in the several counties, cities, and towns of the State will show this general fact that, wherever the births most exceed the deaths, there the foreign element most abounds; but where the population is made up mostly or entirely of the original native stock, the births and deaths approximate near together, and not unfrequently alternate in excess, first one, then the other. From an examination into the history of several towns of this class, it was found that, for a long series of years the deaths had actually exceeded the births. A similar result was arrived at from an examination of the births and deaths for several years, confined exclusively to the Americans, in two of the principal cities of the State.

"But one of the most striking evidences of change in this respect is in the number and character of the pupils attending the public schools. In many school districts of country towns, where the population is made up wholly or principally of American stock, you can hardly find now children enough to make in numbers a respectable school, where once those same neighborhoods thronged with children. On the other hand, in large towns and villages, where the foreign population abounds, we find an abundance of children; the regular schools are crowded, and new schools every now and then have to be opened. To such an extent has this foreign element increased that, in some of the large towns and cities of the State it actually comprises full one-half of all the school-

children in those places. If a majority of all the youth and children under fifteen years of age, in a place, is made up from those of a foreign parentage, and is relatively increasing in number every year, how long will it be before such a power will be felt in the management, if not in the control, of the municipal government of those towns and cities?

“In Connecticut, where the proportion of the foreign class is much less than in Massachusetts, the School Report for 1866 states ‘that the relative number of children had been steadily decreasing for the last forty years,’ and the Report for 1867 states that the number was less even than in the previous year. The State of Vermont, in which there is still less of the foreign element, reports relatively a less proportion of children than either of the New England States. In the Registration Report of Vermont for 1858 is found this remarkable comparison. It states ‘that, while the producing part of the population, say from fifteen to fifty, was almost in precisely the same proportion to the whole population as that in England, the birth-rate in Vermont was 1 in 49, and in England (the same year) it was 1 in 31;’ and should the foreign element, as small as it is, be separated, the birth-rate would be still lower—in fact, only about one-half as large as that of England. Considering that this comparison is made between a people engaged in agricultural pursuits, and somewhat scattered in settlement, with a population situated as that of England is, living mostly in cities and thickly settled places, and composed largely of the extremes in society, the result is surprising.”

It will not be contended that this non-production of offspring on the part of the Americans is entirely the result of the practice of criminal abortion, or the effect of the recourse to other censurable means for the purpose of preventing the increase of families, but we are ready to urge and prove that it is the result mainly of the practice of criminal abortion.

Early in 1867, a committee was appointed by the Philadelphia County Medical Society to inquire into the extent of the practice of criminal abortion in Philadelphia, and to suggest a plan by which that crime might be abated; if possible, prevented.

The committee had several meetings, and had made considerable advance in the collection of the material necessary to the completion of a report, when, from the pressing public duties and commanding private engagements of its chairman—the late and lamented Dr. Wilson Jewell—the further prosecution of the duties of the committee was prevented.

Being a member of the committee, and learning from Dr. Jewell

a few weeks before his death, that he felt indisposed to further prosecute the work confided to the committee, the reporter solicited from him the papers, letters, and documents which had accumulated in his hands as chairman of the committee, assuring him that we would use the facts in a paper which we would prepare and present to this Society. The doctor kindly placed the papers, letters, and documents in the reporter's possession, and we are now about to redeem the promise made to one who, as a zealous member of this Society, ever active, and ever ready to contribute more than his full quota of labor and intelligence to advance the great objects of its organization, commanded admiration and profound respect.

Part of the committee's plan for obtaining a knowledge of the extent of the practice of criminal abortion in Philadelphia, was the issuing a circular—chiefly interrogatory—to all the regular physicians in practice in that city.

Of the many who received the circular, only a few responded. It is to be regretted that the interrogatories were not more largely replied to, for—judging from the replies received—had the responses been anything like equal to the number of circulars issued, there would have been a sum of facts, and an amount of information in regard to the practice of criminal abortion collected, which, while they would have exhibited an almost appalling sum of a peculiar infamy, would have given more extended and still further positive data upon which to base the superstructure of a preventive plan. Fifty-nine physicians honored the committee with replies, some in brief, others *in extenso*.

Among the questions propounded was, "What proportion of your cases of abortion do you believe to have been criminally produced?" To this, nineteen of the fifty-nine respondents answered that one-half of all their cases were wilfully or criminally produced. Twenty-one, that one-fourth. Eleven, that a large majority; and another, that seventy-five per cent. of his cases of abortion were criminally brought about. Seven failed to answer the query.

The facts thus collected, although garnered from only fifty-nine physicians, exhibit an amount and degree of a peculiar crime, well calculated to arouse the attention, not only of the medical profession, but of the divine, the moralist, and the legislator, and to unite them in the good and holy work of devising a plan by which the onward march of this iniquity may at least be retarded, if not completely arrested.

As has been remarked, the replies were elicited from only fifty-nine physicians, yet as these physicians were practising in all sections of Philadelphia—north, south, east, west, and central—it is

fair to infer that they fully represent the entire profession, as regards its acquaintance with criminal abortion. If this inference be just, then to what a startling degree and extraordinary sum of crime do these replies call attention. To what an extent of shameless abandonment to a peculiar kind of wickedness, on the part of the women of Philadelphia, do these revelations point; and as these revelations are but the repetition, as it were, of the same reports elicited from the profession in every large city, and more especially the older ones of this land, to what an almost incredible amount of fœticide is our attention thus directed.

We repeat the testimony—one-half say many, one-third say others, one-fourth others again declare; and yet another, as if to overwhelm with the magnitude of the crime, states that 75 per cent. annually, of all cases of abortion, are criminal—yea, are the results of premeditation, of cool, calm, and deliberate determination, with “malice prepense and aforethought,” to lay or cause to be laid, murderous hands upon the helpless being, guiltless of all wrong, and who, both intra-uterine and extra-uterine, has the most enlarged and undoubted claims upon the care, kindness, and protection of her who conceived it. Almighty God! I reverently ask, Can it be that the women who practise so largely and so repeatedly this crime are in knowledge of its magnitude in thy sight? Can it be that, with a correct estimate of its enormity, and in full knowledge of the fact that they violate the command given amid the thunders of the Mount—“Thou shalt not kill”—that, in destroying the fruit of their womb, they commit murder, foul and bloody, and walk the earth as did Herod of old, all stained and spotted with the blood of unoffending innocence, and, that at the bar of the Great Judge, they will have to answer for their wilful and wanton destruction of human life—and that, too, the life of all others which they should most have nurtured and protected. Heaven forbid that woman, whose goodness, purity, chastity, and religion have so often and so deservedly been the theme of poets, and the subject of panegyrists, should only, yea, only, in exceptionable cases, be in knowledge of the nature of the crime which she commits, and the degree of her offence when she kills, or permits to be killed, her unborn babe. If woman is ignorant of the viable condition of the fœtus, and the extent and gravity of the wrong done in destroying her conception, and that this, her ignorance, tends to encourage the practice of the vice, then it is fair to infer that the converse of this proposition—correct information in regard to the viability of the fœtus, and the murderous nature of the act of its destruction at any time—would do much to stay the onward flow of the bloody

current of this crime, and cause woman to shrink from its committal as she would from the horrors of that conscience which knows no peaceful rest. Let some plan, some blessed plan—blessed because of the good fruit which it will produce—be devised, by which woman may be promptly and fully instructed in all that regards the life of the being in her womb, from the moment of its conception; its high and unquestionable claims upon her most observant care, that no harm shall come to it, and the nature and gravity of the offence, in rudely and wilfully thwarting the will of the Almighty, in preventing the full development in utero of the fruit of her conception. If the instruction of woman in the physiology of conception and the development of the babe in her womb, and her instruction as to the murderous nature of the offence of destroying it, will have the much-desired effect of largely arresting the commission of criminal abortion, as we believe such instruction will have, there is not any time to be lost in making ready a plan for her enlightenment.

We have seen that the evidence presented clearly makes manifest that the practice of criminal abortion is of vast and unsightly proportions. Viewing the crime from this standpoint, we find more than sufficient to excite us to the work of reformation. But when we add to this the other fact that the crime is annually on the increase, there is another incentive to engage in the work of reformation. That some positive data might be obtained in regard to the increase of the crime in Philadelphia the committee referred to asked in its circular, "Is it your opinion that abortions are on the increase in our community?" To this question, in sadness, we make record that there came an affirmative response from all the respondents. The united evidence, it may be said, of the profession, is not only that criminal abortion is extensively practised, but that the crime is rapidly marching on, gathering annually blood-stained recruits to its murderous ranks, and promising, by the boldness of its perpetration, and its frequent production—if positive preventive means be not developed—to render itself defiant by the number of its devotees, and the universality of its commission. "Why stand we here idle?" why sleep we, like an unworthy and never-watchful sentinel, when the citadel of woman's purity is being daily and hourly assailed, and not sound the alarm that "all is not well with her?"—Oh! for a reformer, one who with "throat of brass and adamantine lungs," would proclaim from mountain top and the depth of the valley, in city and country, in hamlet and village, here, there, and everywhere, that he might be heard by every woman that, forced abortion, no matter at what time or stage of the development

of the being it is committed, is, in the sight of God, murder most foul and unnatural, and demand of her, as she hopes for peaceful rest beyond the grave, that she no longer stain her hands with the blood of her unborn, unoffending innocent.

It was, perhaps, not unreasonable for the committee to desire to know what were the incentives to the commission of abortion; hence, through the circular, the question was asked, "What causes, in your judgment, lead to the production of the crime?" The replies present a remarkable similarity, and may be epitomized thus: The unfortunate, or those who conceived out of wedlock, to hide their guilt; on the part of the married (and they are numerically the chief offenders), the inconvenience incident to pregnancy, fear of the pains and risk of labor; but mainly—and here we would, if the stern demands of truth and the best interest of woman did not urge us on, cease making the record—but to resume, say they, the act is mainly committed to avoid the labor and expense of rearing children, and the interference with pleasurable pursuits, fashions, and frivolities. Ponder for a brief period upon this evidence as to the causes inducing the committal of the crime, and see how perfectly barren in everything which you would regard as even a shadow of a sufficient reason for any woman making claim to morality, much more to religion, to induce her to imbrue her hands in the blood of her conception, and by the act endanger the salvation of her immortal soul.

These facts demand that we shall here renew the plea for woman of ignorance. She sins, yet knows not the magnitude of her offence. She violates the command of God, not in the fulness of her intelligence, but in the completeness of her ignorance. She tears open her womb, or permits it to be assailed with instruments or emmenagogues, and the little being within to be ruthlessly destroyed, mainly because she does not comprehend the immoral enormity of her conduct.

We have personal evidence which teaches us that, if woman fully comprehended the extent of the crime, she would not for a few worldly, ephemeral pleasures, or for an exemption from a few toils here on earth, risk an eternity of bliss. In entering the plea of ignorance in behalf of those guilty of criminal abortion, it must not be understood that this plea of ignorance is intended to embrace a want of general intelligence, and absence of general education. Such is not the case. The crime finds its full quota of devotees among those who claim to be educated and intelligent. The plea is, ignorance of the true physiology of gestation—of the true condition of the being at all times, while in utero—and this

ignorance is as great among the ordinarily educated as among the so-called uneducated, as we shall take opportunity to demonstrate by undoubted witnesses. The task is not pleasant, but it must be performed. It may appear strange, even improbable, to those who have paid but little, if any, attention to the subject of criminal abortion, that the crime, so far from being confined to the lower and middle strata of society—regarding them socially and educationally—finds its patrons, in large proportion, in the higher grades of society. The polite, the refined, the genteel, the educated, the polished, the worldly good, are in this respect not less leprons than those of the lower and middle orders of society. That a correct appreciation of this statement may be formed, we will introduce to your attention some evidence embodied in some of the replies to the circular.

A member of the profession, than whom none in this community stands higher, both as regards his social and professional status, a gentleman noted for the purity of his mind, the extent of his learning, and who holds a professorial chair in one of the two great medical schools of Philadelphia, writes: "I have been shocked beyond measure by having proposals made to me to procure abortion, by women of education and respectable position in society, and who were even professors of religion in some cases. They were in all instances married women; but their idea generally was that the fœtus is not alive, but only has, as one might say, a capacity for living, and hence that, to destroy it was not homicide, and hardly more criminal than to prevent conception. I have known a married lady, wealthy, and of most respectable connections, who, on two occasions certainly, was badly injured by an abortionist, whom her husband employed at her solicitation." This gentleman continues: "A moral and social gangrene pervades the community, and threatens its life, by destroying its very roots, which nature intended should cluster around the domestic hearth."

Another gentleman, an ex-Professor, a man of ripened years, a close observer, one whose professional duties were largely confined, during the latter years of his life (he is now numbered with the dead), to the practice of obstetrics and the treatment of the diseases of women, Dr. D. Gilbert, wrote to the committee: "While the moving springs to the perpetration of the crime of criminal abortion consist generally of impure motives, it is yet true that many persons, who would not knowingly be guilty of an act so improper, do not hesitate to ask for relief from pregnancy. I have been often called upon by ladies of the most undoubted character, who very innocently suppose that it cannot be wrong to produce abortion, so

long as there is no quickening. I have learned from undoubted sources that many ladies of elevated standing in society, and even in the church, are in the habit of having abortion produced without the least hesitancy as to any impropriety in the procedure."

Yet another witness we call before you, one whose practice carries him to the bedside of females of all classes and grades of society, and who, therefore, has most ample opportunity for making himself acquainted with the extent to which the practice of criminal abortion is carried, and the relative social proportion that one class of those who practise criminal abortion bears to another. This gentleman makes, and has made, for a long series of years, diseases of women, and especially uterine affections, a specialty. He says: "I believe artificial causes of abortion are frequent both in the married and unmarried, and more frequent in the better classes of society than among the poor."

We fain would cease to weary you with this painful and disgusting history of crime, but in justice to the subject, and the great purposes of morality and enlightenment, we beg your indulgence while we introduce to you another, who will testify upon this branch of the subject. This witness has been a practitioner of medicine for 25 years—a gentleman of erudition, having extensive practice, and an enviable reputation, both as a teacher and practitioner. "In my earlier practice," he says, "I had more frequent applications to produce abortion than now. Within the past year, however, I have been applied to by three different persons of high respectability (married), to get rid of the fœtus in the early stages of pregnancy; in two of the cases, on the ground of the excessive sufferings of the mother during gestation; and in the other, simply from the inconvenience of an increase of family! My opinion decidedly is," he continues, "that this sort of criminal abortion is *very* extensively practised among married women, without the slightest compunction, and, as a consequence, I believe that the number of children has materially fallen off."

The learned and honored Professor Hugh L. Hodge, M.D., LL.D., says, in speaking of criminal abortion, so far back as 1854:—

"Would that we could exonerate the *moderns* from guilt on this subject! It is, however, a mournful fact, which ought to be promulgated, that this crime, this mode of committing murder, is prevalent among the most intelligent, refined, moral, and Christian communities.

"We blush," he continues, "while we record the fact that in this country, in our own cities and towns, in this city, where literature, science, morality, and Christianity are supposed to have so much

influence; where all the domestic and social virtues are reported as being in full and delightful exercise; even here, individuals, male and female, exist, who are continually imbruing their hands and consciences in the blood of unborn infants." . . .

"So low," the Professor continues, "is the moral sense of the community on this subject, so ignorant are the greater number of individuals, that even mothers, in many instances, shrink not from the commission of this crime, but will voluntarily destroy their own progeny, in violation of every natural sentiment, and in opposition to the laws of God and man.

"This low estimate," continues the same authority, "of the importance of foetal life, is by no means restricted to the ignorant, or the lower classes of society. Educated, refined, and fashionable women—yea, in many instances, women whose moral character is, in other respects, without reproach. Mothers who are devoted, with an ardent and self-denying affection, to their children who already constitute their family, are perfectly indifferent respecting the foetus in utero." . . . "We can," says Professor H., "bear testimony that in some instances the woman who has been well educated, who occupies high stations in society, whose influence over others is great, and whose character has not been impugned, will deliberately resort to any and every measure which may effectually destroy her unborn offspring."

Taking this evidence *en masse*, it presents a most shocking and painful history of crime and ignorance, which, without such evidence, we would be very slow to believe, if, indeed, we received it with any credulity whatever. But such it is, and as we found it, so have we presented it, regretting that the facts are such, and that society, from its very centre to its circumference, is so blurred, begrimed, and blackened with this festering and growing infamy, which, with one of our witnesses, we may well fear is fast—too fast—developing "a social gangrene in the community which threatens its life by destroying its very roots, which nature intended should cluster around the domestic hearth."

While we are ready and willing to give certain domestic and social conditions their full value in influencing the commission of the crime of abortion, yet we are convinced, "beyond the shadow of a doubt," that the ignorance of certain facts on the part of women is more effective in causing the commission of the crime than all things else combined. Ignorance of the great vital and physiological laws of the conception and development of the foetus, and

¹ Lecture on Criminal Abortion, 1854.

an almost universally erroneous belief that the *fœtus* is *not* viable until the fourth and half-month of its development, the usual period of "*quickenings*," improperly, as already remarked, so-called, and an ignorance of the fact, admitted and taught by all physiologists, physicians, learned divines, and Rabbis, that *the embryo is a living being from the moment of its conception*—a creature in the state and condition of progressive existence, as absolute at and from the period of conception, as at any other period of its uterine or extra-uterine development—ignorance of the sinful nature of the act of the wanton destruction and dislodgment from the womb of the embryo as well at any period before as after the term of "*quickenings*"—ignorance of the fact that the nature of the crime of the destruction of the being is at all times the same, and for which crime there is no other proper qualification than murder, and is at the root of the crime.

We are also convinced that a wide-spread diffusion of the necessary information among women, by those in whom they have confidence as moral and religious instructors, will in a brief cycle very perceptibly diminish, and finally almost entirely prevent, the commission of the crime of abortion. Is this opinion worth anything? Are we in possession of any facts which justify our conclusion, and fortify the faith which is in us, that the dawn and full realization of such glorious results are in the near, and, as we hope, the fast approaching future? Having seen the almost universality of the practice of the crime, and having—perhaps to the surprise of some—learned that its devotees are found in all classes of society—the refined and the vulgar vying as it were with each other in the commission of the sin—it may be proper at this period of our inquiry to make an effort to answer the query, How shall the practice of the crime be controlled or prevented? Oh! that it were our high province to successfully answer the question. That it might be our crowning privilege to suggest a remedy by which there should be weeded out from the social and domestic garden the foul plant, whose poisonous exhalations are productive of such extended blight, corruption, and moral decay.

We are now about venturing upon slippery ground, a venture which, under some circumstances, and with some, might encounter the not well-regulated religious prejudices, and perhaps, worse than all, that unfortunate bigotry and selfishness which find their full expression now, as in times long past, in the declaration that "no good thing can come out of Nazareth." With the full hope and belief that we are reporting to a body of such enlightenment, liberality, and universal Christian sentiment; that, however much any of those

present may not agree with the reporter's suggestions, or the practicability of the plan, yet we feel confident that any disagreement will not prevent them according to the reporter an honesty of intention, and a desire to serve the best interest of woman in the matter of preventing the crime under consideration. Have we any facts which prove that criminal abortion is less practised by one or more classes of religionists than others? If yea, how has this exemption from the crime been secured? and may not others, by the use of the same or like instrumentalities, be freed from it?

Although the circular of the committee did not contain a question asking for the information which we are about to present, yet it was volunteered by some of those who replied at length to the committee's questions. Part of the information thus obtained we shall now lay before you, premising the remark that we feel that it was the sincere desire of those gentlemen who contributed it, that it should have its full weight and force in aiding the committee in developing a plan which would largely effect the prevention of criminal abortion.

Dr. David Gilbert wrote: "The teaching of Holy Writ on this subject (criminal abortion) cannot be plainly and fully declared by all religious teachers. It is," he continues, "a fact well known to practitioners, that communing members of the Catholic and Israelitish Churches are not guilty of this crime. I have," he further continues, "never met with a single case; but, on the other hand, when accidental abortion was threatened, there was manifested the most intense anxiety that the *fœtus* might be saved. The inference may," the same authority says, "be fairly deduced that, whenever wilful abortion will be presented in its true character as a crime, as in the case of the Catholic and Jew, the people thus instructed will be duly influenced just so far as they may be sincere in their religious professions."

Dr. J. C. remarks that, "I have a practice which embraces, I may say, all religionists. It has struck me as a very remarkable peculiarity in the matter of abortions, that the greater number of those which I have attended spring up in Protestants, and have been the result of some wilful violence; that I have never treated a case in a Catholic or Hebrew which I believed to be wilful; and further that, while in the instance of Protestants, with scarcely an exception, requests were never made to prevent the abortion from being consummated; in the instances of the Catholics, I was implored to arrest the abortion, and much solicitude was manifested lest it should go on. I have naturally inferred that there must be some special instruction given by the Romish and Jewish churches which

has the effect of largely preventing the existence of the crime of abortion among their communicants."

Dr. A. S. remarks: "The work of preventing the practice of the crime of abortion is with ministers of the gospel. There are none I know who are so correctly instructed by their ministers upon this matter as Catholic women; and I also know that they are very much more free from the vice of criminal abortion than other women; and this I say, while by religious training I am not in sympathy with those people."

Dr. J. M. C. says: "I feel that I should say to you, gentlemen, that, while I know that Protestant women practise criminal abortion without any apparent misgivings of its gross impropriety—provided the act is anterior to 'quickening'—that Catholic women, or at least those I have attended, while threatened with abortion, have invariably been much distressed with the fear that they would abort, and have urged that nothing should be left undone to save the babe," etc. etc.

We might present more evidence of this character from those who replied to the circular, but we forbear, that we may call your attention to evidence of the same nature from another source.

The next witness we shall call upon the stand to testify before you is the Rev. John Todd, D.D., a Protestant divine of Boston, Mass. The Rev. Doctor, feeling, and yielding to the necessity for the pulpit to cast the mighty weight of its influence in arresting criminal abortion, in the rapid strides it is making, wrote and published a paper on the subject, which he entitled "FASHIONABLE MURDER." Dr. Todd writes: "It is well known that families of children of this generation, in New England, do not average but three and a half each; and I fear this is true of the greater part of our country; I speak of our native population. With foreigners it is different, and the cause of difference will soon be mentioned." . . . "I am sorry," continues this learned divine, "to learn from undoubted testimony, that the practice of criminal abortion is far more common among Protestants than Catholics. Dr. Storer says 'infinitely more frequent;' and this accounts, in part, at least for the much larger families of Irish Catholics." . . . "There is," Dr. Todd continues, "nothing in Protestantism that connives at it (criminal abortion), but there is vast ignorance as to the guilt of the thing. But in the Catholic Church human life is guarded at all stages by the confessional, by stern denouncement, and by fearful excommunication. The rule in the Catholic Church is unbending." In keeping with this subject, the reverend gentleman remarks: "If it be said that I have in any measure exaggerated the evil and the

fashion of the day, I reply, I would not advise any one to challenge further disclosures, else we can show that France, with all her atheism, that Paris, with all her license, is not so guilty in this respect as is staid New England at the present time. Facts," says the doctor, "can be adduced that will make the ears tingle. But we do not want to divulge them: but we do want the womanhood of our day to understand that the thing can be no longer concealed; that commonness or fashion cannot do away with its awful guilt."

Dr. H. R. Storer observes: "It is not of course intended to imply that Protestantism, as such, in any way encourages, or indeed permits the practice of inducing abortion; its tenets are uncompromisingly hostile to all crime. So great, however, is the popular ignorance regarding this offence, that an abstract morality is here comparatively powerless; our American women arrogate to themselves the settlement of what they consider, if doubtful, purely an ethical question, and there can be no doubt that the Romish ordinance has saved to the world many thousand infant lives. During the ten years since the preceding sentence was written," says Dr. Storer, "we have had ample vindication of its truth. Several hundreds of Protestant women have personally *acknowledged* to us their guilt, against whom, only seven Catholics."

We will not add other facts which we have at our command, but will close this testimony by observing, that not one of these witnesses is of those to whose exemption from the commission of criminal abortion they have so magnanimously given such positive testimony. In justice to others who are not now so exempt, I feel called upon here to say, that the day is not far distant when the same good testimony will be given in their behalf, and that they will stand as completely disenthralled from the vice, as are those for whom so large an exemption is now claimed.

This conclusion we base upon the fact, that the various Christian Churches of our land are awakening to the importance of taking very active and positive means to calling the attention of their folds to the extent, general practice, and enormity of the vice, and of imparting to them such physiological, moral, and religious instruction as the great necessities for the prevention of the commission of the crime demand. We feel no small degree of pleasure in here presenting to you, as an evidence of this awakening, the resolution presented at the Presbyterian Convention (Old School) held in New York in 1869. The resolution is broad, comprehensive, and fully speaks for itself.

"*Resolved*, That we regard the destruction by parents of their own offspring, before birth, with abhorrence, as a crime against

God, and against nature, and that as there are many influences at work in public and in secret, to corrupt the minds of the people, until the frequency of such murders is no longer sought to be concealed, we hereby warn those that are guilty of this crime that they cannot inherit eternal life, and that it is vile hypocrisy for such persons to remain in connection with the visible Church of Christ, and we exhort those that have been called to preach the gospel, and all who love purity and truth, and who would avert the just judgments of Almighty God from the church and nation, that they be no longer silent or tolerant of these things, but that they take a bold stand, that the floods of corruption and cruelty may be stayed. Referred to the Committee on Bills and Overtures."

We would be doing injustice to this branch of the subject did we neglect to mention the positive and active part Dr. H. Cleaveland Cox, Episcopal Bishop of Western New York, and in charge of the Diocese of Central New York, has taken to call the attention of the ministers in his Bishopric, and through them their parishioners, to the crime, as he terms it, of "ante-natal infanticide." That those who have not had an opportunity of reading Bishop Cox's Pastoral Letter of January 30, 1869, may know how eloquently, earnestly, and positively he denounces the crime, and warns his people against its commission, that portion of his letter devoted to this subject is here presented: "I have," the Bishop writes, "heretofore warned my flock against the blood-guiltiness of ante-natal infanticide. If any doubts existed heretofore of the propriety of my warnings on this subject, they must now disappear before the fact, that the world itself is beginning to be horrified by the *practical* results of the sacrifices to Moloch which defile our land. Again, I warn you, that they who do such things cannot inherit eternal life. If there be a special damnation for those who 'shed innocent blood,' what must be the portion of those who have no mercy upon their own flesh." This denunciation of Bishop Cox has the ring of the true metal, and while it does credit to his heart and head, is worthy of imitation of the most exalted as well as the most lowly of those who claim to be followers and servants, the teachers and exemplars of "Him who went about doing good."

What the Catholic Church and Jewish Church have done and continue to do for their people, in preventing them from being criminal abortionists, it is, we hold, in the power of every Christian Church to do—else will their mission not be a complete success. It matters not, for example, how the Catholic Church or the Israelitish Church attains the useful end, it is evident that it is attained. If other churches have not the same means by which to impart im-

portant instruction, they have means, or are quite competent to institute adequate means, whereby they may be able to impart all the needful information in regard to the physiology of conception, the development of the new being, and the fact of its having life from the moment of its conception, and the murderous character of the offence of bringing about its death and premature dislodgment from the womb, whether by poisonous drugs or other direct or indirect instrumentalities.

All Christian ministers, of whatever sect or name, are quite as competent to give the required important information, relative to conception, pregnancy, the viability of the fœtus and the nature of the crime, of its premature dislodgment from the uterus, as are priests and Jewish Rabbis, and it is their duty to do so if such imparted information will even limitedly, much more extendedly, control the commission of the crime. Whether the experiment will be tried by them—whether they will, individually or collectively, through the power of their conferences, synods, and congresses devise special means for the arrest of the march of the crime of wilful abortion, time only can determine, yet so hopeful are we that they will, that we do not hesitate to declare in their favor.

The facts which have been presented, in regard to the influence of proper instruction relative to conception and the destruction of the being “hidden in the darkness of the womb,” on the part of Catholics and Israelites, are such as prove to a demonstration that, that which is mainly required to prevent the commission of criminal abortion is that intellectual, moral, and religious light shall be shed upon the subject in all its phases. Shall we have this light cast upon those who are now and have been too long living through a dreary night of moral and intellectual darkness, from which none more than they will be gladdened by their deliverance? Ministers of the Gospel should not suffer themselves to be liable to the charge of neglect, to meet the urgent necessities which present in this matter. They should rival each other, in this field, so suitable for their labors, as they do in other fields, where their works are so successful for erring man, both as regards time and eternity. Will they do it? The answer is with themselves. The best response will be in the results of their labors. The work is largely susceptible of being successfully carried on by them. If criminal abortion shall be prevented, if, indeed, it shall be largely controlled, and woman delivered from the commission of the horrible crime of destroying the fruit of her womb while it is hidden in the recess of its darkness, she must be instructed, she must be fully educated up to the highest standard of morality and intelligence in every-

thing which relates to the nature of conception and pregnancy, and the sinful enormity of the offence of thwarting the will of Almighty God, in preventing, by any means, direct or indirect, positive or negative, the full development of the product of her conception. The educating of woman up to the moral and intellectual standard referred to, is a work which might claim the attention of the wisest and the best. Such work successfully carried on would add glory to the most famous of moral and religious teachers. It is worthy of the heads and hearts of the most zealous of the laborers in the vast vineyard of the Lord. It is because of its very nature and objects the special work of all Christian ministers. Let the Medical Society of Pennsylvania, then, in the name of religion, purity, and woman's elevation, beg, nay implore, all Christian ministers to organize and make systematic preparations for a well-concerted attack upon the front and flank of the abomination, and never, never to cease the employment of all their intellectual, moral, and religious instrumentalities until success shall have crowned their efforts, and woman shall stand in glorious grandeur disenthralled from the great vice of our day, the murder of unborn babes.

Touching the subject of criminal abortion, as it does in many of its important aspects, the reporter cannot withhold submitting to your thoughtful consideration part of the letter of the late Catholic Bishop of Boston, Bishop Fitzpatrick. This letter was addressed to Dr. Horatio R. Storer, and was written in reply to inquiries made by the learned Doctor in regard to the teachings of the Catholic Church relative to "the destruction of the human fœtus."

"The doctrine of the Catholic Church," wrote Bishop Fitzpatrick, "her canons, her pontifical constitutions, her theologians, without exception, teach, and constantly have taught, that the destruction of the human fœtus in the womb of the mother, *at any period from the first instant of conception*, is a heinous crime, equal at least in guilt to that of murder. We find it distinctly condemned as such even as far back as the time of Tertullian (at the end of the second century), who calls it *festinatio homicidii*, a hastening of murder. The Pope, Sextus the Fifth, in a bull published in 1588, subjects those guilty of the crime to all the penalties, civil and ecclesiastical, inflicted on murderers. It is denounced and reprobated in many of the canons of the Church.

"The reason of this doctrine (apart from the authority of the Church) must, it seems to me, appear evident upon a little reflection.

¹ Criminal Abortion: its Nature, its Evidence, and its Laws. By H. R. Storer, M.D., LL.D., and Franklin Fiske Heard, p. 71.

tion. The very instant conception has taken place, there lies the vital germ of a man. True, it is hidden in the darkness of the womb, and in it is helpless, but it has sacred rights, founded in God's law, so much the more to be respected because it is helpless. It may be already a living man, for neither mother nor physician can tell when life is infused; they can only tell when its presence is manifested, and there is a wide difference between these two things. At any rate, it is from the first moment potentially and *in radice* a man with a body and a soul destined most surely, by the will of the Creator and his law, to be developed into the fulness of human existence. No one can prevent that development without resisting and annulling one of the most sacred and important laws established by the Divine Author of the Universe; and he is a criminal, a murderer, who deals an exterminating blow to that incipient man and drives back into nothingness a being to whom God designed to give a living body and an immortal soul.

"From this it follows that the young woman whose virtue has proved an insufficient guardian to her honor, when she seeks by abortion to save in the eyes of man that honor she has forfeited, incurs the additional and deeper guilt of murder in the eyes of God, the Judge of the living and the dead. Who can express what follows with regard to those women who, finding themselves lawfully mothers, prefer to devastate with poison or with steel their wombs, rather than bear the discomforts attached to the privilege of maternity, rather than forego the gayeties of a winter's balls, parties, and plays, or the pleasures of a summer's trips and amusements?"

"But abortion," the Bishop continued, "besides being a direct crime against a positive law of God, is also an indirect crime against society. Admit its practice, and you throw open a way for the most unbridled licentiousness; you make woman a mere instrument of beastly lust."

Should not other means than those dwelt upon to prevent criminal abortion be instituted and invoked? The legislature, the courts, and all legal instrumentalities should be enlisted in the good work of crushing out the accursed crime. We would make it the duty of the State Medical Society to institute a committee, whose duty it should be to wait upon a few legal gentlemen of the State, men of great wisdom as jurists, whose public spirit would not allow them to hesitate in giving all aid within their reach to crush out the crime; the committee should confer with such gentlemen and lay before them all the facts as regards the how, the where, and by whom abortions are practised, and what are the varied instrumentalities used in the commission of the horrible crime. How the

whereabouts of those infamous wretches are to be discovered; the channels through which pass the ready and eagerly looked-for information of how and where the act may be produced; the baneful effects of the poisonous compounds of pills and mixtures advertised so cunningly, yet so meanly, in some of our daily papers. To inform these legal gentlemen of the quality and kind of evidence which physicians could present to fix the guilt upon abortionists, of their commission of the crime, and, in short, to present all information within their reach to enable them to draft an act which should be so perfect in its construction, and so complete a legal network, as would defy even the smallest of these criminals passing through its meshes. Such an act presented to our legislature, and properly backed up by the influence of the various Christian churches and the medical profession, would readily be enacted into a law. Then would our courts find easy that which they now for want of law find almost impossible—the conviction of the abortionists, male and female, learned and ignorant, professional and unprofessional, who now are steeped to the lips in crime, and upon whose hands is the stain of the blood of so many murdered innocents.

If, in the discharge of an imposed duty, we have, because of the facts, been compelled to present woman not robed in all her charms and radiant with all her virtues and loveliness, as would indeed have been a pleasant task, be assured that we have

“Nothing extenuated,
Nor set down aught in malice,”

but have tried to tell “a plain unvarnished tale.” In part, because we would have woman pure and undefiled, we have added our weak words to those that have so often been called into requisition for her elevation upon so many previous occasions, here and elsewhere. Estimating highly woman’s interests as a Christian, accountable to God and the community for her transgressions of Divine and statutory law, we have not dragged criminal abortion before you for the purpose of calling down odium upon woman, or to invite contumely and contempt to be cast upon her. No, no, far from it. We have been actuated and influenced by the desire to serve her by suggesting means productive of her special intellectual enlightenment, moral purification, and disenthralment from a most disgusting and fast increasing mortal sin. In the furtherance of this work we beg and implore most respectfully your efficient aid.

Our aim has been to present in its truthful characters, no matter how disgusting they are, a crime not only of great magnitude as regards its enormity, but one of vast and almost immeasurable pro-

portions, because of the almost universality of its practice; a crime by no means confined to the degraded classes of society, but practised and cherished alike by the genteel, and the meretricious, paint-bedaubed, and gewgaw bedecked brazen daughters of sin, who in the public highways boldly ply their art, and who dwell in homes which have not been inaptly styled "the vestibules of hell."

The commission of this crime is not confined to the harlot, but finds in sadness and shame, it must be said, a large, nay the larger proportion of devotees among the refined, the learned, the higher classes, while the poor and the lowly are not strangers to its enormity, nor free from its commission. We use no honeyed words—but utter the truth, and if by such utterance we offend the sensibilities of the over-sensitive, we regret it; but we cannot, will not stop to soften sentences or modify truths when contending with an evil of such gigantic proportions as criminal abortion, and which, for its destruction, demands all and more than that which we have suggested.

A. NEBINGER,
Chairman.

NOTE.—The above report was made to the Medical Society of Pennsylvania, at the meeting held in Erie, Penna., June, 1869, but was not ordered to be published. It now is published in the Transactions of the Society by the adoption of a resolution offered by Dr. Hiram Corson, of Montgomery County. (*See the minutes of the meeting of the Society, vol. xi. page 35.*)

A. N.

